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C O N F I D E N T I A L SECTION 01 OF 04 MEXICO 002776

SENSITIVE
SIPDIS

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SUBJECT: SRE SUPPORTS U.S. DIALOGUE WITH SEDENA ON HUMAN RIGHTS

REF: MEXICO CITY 002676

Classified By: Political Minister Counselor Gustavo Delgado. Reason: 1
.4 (b),(d).

¶1. (SBU) Summary. On September 9, the Ambassador joined a visiting DRL delegation led by Senior Advisor (SA) Michael Kozak for part of a bilateral discussion on multilateral human rights issues at the Mexican Ministry of Foreign Affairs (SRE). The U.S. side raised the issues of human rights in relation to the Merida Initiative and TIP. SRE Undersecretary for Multilateral Affairs Juan Manuel Gomez Robledo confirmed that the SRE would work in collaboration with us to develop a formal dialogue on human rights with the Mexican National Defense Secretariat (SEDENA), in order to address concerns about the Mexican military justice system and respond to specific charges of alleged human rights violations by the military (reftel). On TIP, Mexico appreciated the need for greater progress on prosecutions and convictions but emphasized its desire to treat the issue with more of a regional focus. In a follow-on reception hosted by the Ambassador for SA Kozak and the DRL delegation, the Ambassador solicited the views of the Mexican human rights community on human rights challenges in Mexico. Septel will report on the Ambassador's September 17 meeting with the larger human rights community that sets out a framework for future cooperation on a common agenda. End Summary.

¶2. (SBU) The participants in the discussion on fostering a dialogue with SEDENA on human rights were:

United States

Michael Kozak, Senior Advisor, DRL Bureau of the Department of State
Carlos Pascual, Ambassador, Embassy of the United States to Mexico
Joseph Cassidy, Director, Office of Multilateral and Global Affairs, DRL Bureau of the Department of State
Kate Gorove, Attorney Advisor, Office of the Legal Advisor - Human Rights and Refugees of the Department of State
Laura de la Rambelje, Foreign Affairs Officer, Office of Multilateral and Global Affairs, DRL Bureau of the Department of State
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Mexico

Juan Manuel Gomez Robledo, Ambassador, Undersecretary for Multilateral Affairs and Human Rights
Benito Andion, Ambassador, Coordinator for International Cooperation on Security, Vice-Ministry for North America, SRE
Alejandro Negrin Munoz, General Director of Human Rights and Democracy, Ministry of Foreign Affairs
Juan Gonzalez Mijares, Deputy Director for International Cooperation, Vice-Ministry for North America, SRE
Lorena Larios Rodriguez, Political Affairs, Embassy of Mexico in the United States
Margarita Guille Tamayo, Director of the National Network of Shelters
Noemi Hernandez Tellez, Director of International Law II, Office of the Legal Adviser, SRE
Pedro Luis Echeverria Alegria, Director of International Law III, Office of the Legal Adviser, SRE
Elia Sosa Nishizaki, Director for Specific Groups, General Direction of Human Rights and Democracy, SRE
Mariana Salazar Alborno, Director for Economic, Social and Cultural Rights, General Direction of Human Rights and Democracy, SRE
Ursula Dozal Alvarado, Director for Cooperation, General Direction of Human Rights and Democracy, SRE
Norma Angelica Contreras Felix, Director for Gender Issues, General Direction of Human Rights and Democracy, SRE
Liliana Lopez Ortiz, Director for International Cooperation Against Terrorism and Human Security, General Direction for Global Affairs, SRE

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Way Forward

¶3. (SBU) We will follow up with the SRE and SEDENA in the weeks ahead to implement the human rights dialogue. SEDENA tentatively agreed to hold the first substantive meeting on human rights on September 25. The meeting will focus on the military judicial system and procedures, though we are also encouraging them to respond to questions that we submitted on specific human rights cases (Reftel).

SRE Confirms Support for Human Rights Dialogue with SEDENA

¶4. (SBU) In a September 9 meeting that was added to allow for a discussion of bilateral human rights concerns with SA Kozak (the main agenda focused on multilateral and UNGA-related human rights issues to be reported in Septel), the Ambassador stressed the importance of a continued dialogue between Mexico and the U.S. on human rights in the context of the Merida Initiative but also the broader global context of Mexico's democratic transition. The U.S. was sensitive to the challenges posed by the GOM's efforts to combat organized crime and the need to rely on the military as Mexico strives to professionalize its police forces. At the same time, the U.S. stressed that it is essential for the GOM to take greater strides to address concerns about human rights abuses committed by the military. The Ambassador emphasized the importance of greater transparency and conveyed U.S. readiness to provide assistance. Touching on charges that the cartels fabricated some of the claims of abuses circulating in public fora to damage the reputation of the military, he urged the GOM to consider carefully a strategy for dealing with this sensitive problem both in terms of enhanced training and appropriate visits. Gomez Robledo confirmed that the SRE supports U.S. efforts to develop a formal human rights dialogue with SEDENA, including a review of military justice procedures and development of a mechanism for responding to specific allegations of human rights abuses. With a polite caveat that we not "Meridize" all aspects of our bilateral human rights dialogue, Gomez Robledo suggested that we not overpublicize the effort with SEDENA and suggested that we look to include the

participation of the local Office of the UN High Commissioner of Human Rights (UNHCHR).

US Assistance through Multilateral Institutions

15. (C) Gomez Robledo recognized U.S. concerns on human rights and spoke to the pressure the GOM faces in responding to concerns registered by both the Mexican and the international human rights NGO community. (See para. 4)

For the U.S. and Merida, Transparency is Key

16. (C) The Ambassador inquired into the status of the 53 cases under investigation and the 12 indictments under SEDENA's jurisdiction and highlighted the information gap that is making it difficult for the State Department to respond to the concerns of the U.S. Congress. SA Kozak pointed to Congress' bi-partisan concern about human rights and the need for Mexico to make greater progress in the area of transparency. Speaking to his own experience working in Colombia, SA Kozak suggested that it may be helpful for Mexico to establish a defense attach or political-military officer at the Mexican Embassy in the U.S. with real time access to all authorities involved in investigations of specific cases, and who can readily communicate directly with USG counterparts and Congress on these matters in an effort to get ahead of the information curve.

17. (C) Gomez Robledo acknowledged that SRE shares many of our own frustrations related to extracting information out of SEDENA. SRE is working diligently to persuade SEDENA to release more information and to update its list of crimes to mirror international standards established in the Geneva Convention. SRE already told SEDENA it needs specific information on the above mentioned 53 cases and all other

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human rights cases for the 15% Merida Report due next year. He stressed the GOM's respect for the role of the UN on this and noted that UN Secretary General Ban Ki Moon was in town during our meetings. Gomez Robledo also looked to the UNHCHR to provide training to the military on humanitarian law and inquired about the status of U.S. assistance to the UNHCHR office in Mexico. (Note. USAID signed an agreement in July making available \$1 million to UNHCHR for its activities in Mexico. End Note.)

Military vs. Civilian Tribunals

18. (SBU) Gomez Robledo maintained that cases in military tribunals -- at least in principle -- are open to the public. The problem has been lack of notice to the public about when pending cases will be tried. He stated that there is a website where SEDENA will post the cases being adjudicated and information on when the trial will take place. He further clarified that in cases that fall under military jurisdiction, the attorney defending the accused can be a civilian. He also explained that civilian courts can review the decisions of military tribunals when a defendant who is found guilty requests civilian court review. If the defendant is acquitted, the military prosecutor can also ask for review by civilian courts. However, these actions can only be taken after all military court fora have been exhausted. It is, however, unknown how frequently these requests are made by military prosecutors. He flagged that SEDENA increasingly feels under attack on multiple fronts over human rights issues and has voiced concern about the nature of the NGO community's agenda. The U.S. cautioned that this frustration should not affect relations with NGOs that are doing their job.

Mexico Needs to Make Progress on TIP Convictions

¶9. (SBU) Dep MinsPolCouns spoke to the importance of interagency cooperation in tackling the challenges posed by TIP and applauded Mexico's efforts on both prevention and protection of victims. He stressed, however, the need for Mexico to do more in terms of producing convictions of individuals implicated in trafficking. SRE's David Najera, the point person on TIP, advised that the Secretary of the Interior had recently created an interagency committee on TIP which he expected to meet on a regular basis. He acknowledged the need for progress on convictions but saw some promise in the recent visit of the Director of the Attorney General's Organized Crime Unit (SIEDO) to the U.S. to discuss specific cases and the creation of a TIP working group in the prosecutor's office. He also urged the U.S. to consider dedicating more attention to strengthening regional efforts.

Ambassador Hosts Human Rights Reception

¶9. (U) The Ambassador hosted a reception for a number of human rights NGOs that either focus on security concerns or TIP. The groups used this reception to share not only their concerns about abuses committed by the Mexican military and other law enforcement institutions but also their appreciation for the challenges the GOM faces in taking on organized crime. They welcomed the opportunity to share these views and urged the U.S. to remain closely engaged with the GOM.

¶10. (C) Comment. Both the bilateral consultations with the SRE and the reception with human rights NGOs proved excellent opportunities to stress the U.S. commitment to human rights both in the context of the Merida Initiative and TIP. The SRE shares these commitments and will work with us to establish a human rights dialogue with SEDENA. SRE also agreed to continue to prod the military to become more transparent in its dealings with the public. The NGO community acknowledged the challenges faced by the GOM in conveying its hope that with increased cooperation between the US and GOM - and increased pressure from the NGO community - Mexico's human rights record will improve. We should also look into ways to work with the UNHCHR and ICRC in this area. The SRE and SEDENA are sensitive to the appearance that the GOM is kowtowing to U.S. pressure on human rights, in which case we may want to play a relatively

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low profile role as we engage multiple actors on this issue. We have a clear challenge in front of us in terms of expanding our dialogue with SEDENA on human rights, but our recent exchanges with both SEDENA and the SRE offer good reason to be hopeful about prospects for progress. End Comment.

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